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Attorneys for Defendant  
WACHOVIA MORTGAGE, a division of  
Wells Fargo Bank, N.A.

UNITED STATES DISTRICT COURT  
  
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

TANYA D. DENNIS	)	CV10-1596-CW
	)	
Plaintiff,	)	ANSWER OF WACHOVIA MORTGAGE
vs.	)	TO COMPLAINT
	)	
WACHOVIA BANK, FSB, WELLS FARGO	)	
BANK, N.A. and JOHN AND JANE DOES 1-	)	
5,	)	
	)	
Defendants.	)	

Defendant Wachovia Mortgage, now a division of Wells Fargo Bank, N.A., formerly known as Wachovia Mortgage, FSB, formerly known as World Savings Bank, FSB ("Wachovia"), for itself alone and for no other defendant, answers the Complaint as follows:

ANSWER

1. Answering Paragraph 1, Wachovia denies the allegations thereof.
2. Answering Paragraph 2, Wachovia denies the allegations thereof.
3. Answering Paragraph 3, Wachovia denies the allegations thereof.
4. Answering Paragraph 4, Wachovia denies the allegations thereof.
5. Answering Paragraph 5, Wachovia denies the allegations thereof.
6. Answering Paragraph 6, Wachovia denies the allegations thereof.

1           7. Answering Paragraph 7, Wachovia denies the allegations thereof.

2           8. Answering Paragraph 8, Wachovia admits that the United States District Court for  
3 the Northern District of California has jurisdiction over this case.

4           9. Answering Paragraph 9, Wachovia is without knowledge or information sufficient to  
5 form a belief as to the truth of the allegations of said paragraph, and on that basis Wachovia  
6 denies the allegations thereof.

7           10. Answering Paragraph 10, Wachovia denies the allegations thereof and alleges that it  
8 is now a division of Wells Fargo Bank, N.A. It was formerly known as Wachovia Mortgage,  
9 FSB, which was formerly known as World Savings Bank, FSB.

10           11. Answering Paragraph 11, Wachovia denies the allegations thereof and alleges that it  
11 is now a division of Wells Fargo Bank, N.A. It was formerly known as Wachovia Mortgage,  
12 FSB, which was formerly known as World Savings Bank, FSB.

13           12. Answering Paragraph 12, Wachovia is without knowledge or information sufficient  
14 to form a belief as to the truth of the allegations of said paragraph, and on that basis Wachovia  
15 denies the allegations thereof.

16           13. Answering Paragraph 13, Wachovia admits that the subject deed of trust was  
17 properly executed and recorded; Wachovia alleges the document speaks for itself.

18           14. Answering Paragraph 14, Wachovia denies that there has ever been a reconveyance  
19 of the subject deed of trust.

20           15. Answering Paragraph 15, Wachovia admits the allegations thereof.

21           16. Answering Paragraph 16, Wachovia is without knowledge or information sufficient  
22 to form a belief as to the truth of the allegations of said paragraph, and on that basis Wachovia  
23 denies the allegations thereof.

24           17. Answering Paragraph 17, Wachovia alleges the document speaks for itself.

25           18. Answering Paragraph 18, Wachovia admits the allegations thereof.

26           19. Answering Paragraph 19, Wachovia admits the allegations thereof.

27           20. Answering Paragraph 20, Wachovia repeats its responses to Paragraphs 1-19.

28           21. Answering Paragraph 21, Wachovia denies the allegations thereof.

1           22. Answering Paragraph 22, Wachovia alleges it has always possessed the original two  
2 promissory notes and original two deeds of trust securing repayment of same.

3           23. Answering Paragraph 23, Wachovia denies the allegations thereof.

4           24. Answering Paragraph 24, Wachovia alleges it has always possessed the original two  
5 promissory notes and original two deeds of trust securing repayment of same.

6           25. Answering Paragraph 25, Wachovia denies the allegations thereof.

7           26. Answering Paragraph 26, Wachovia alleges the document speaks for itself.

8           27. Answering Paragraph 27, Wachovia alleges the document speaks for itself.

9           28. Answering Paragraph 28, Wachovia denies the allegations thereof.

10          29. Answering Paragraph 29, Wachovia alleges the document speaks for itself.

11          30. Answering Paragraph 30, Wachovia alleges the document speaks for itself.

12          31. Answering Paragraph 31, Wachovia alleges the document speaks for itself.

13          32. Answering Paragraph 32, Wachovia alleges the document speaks for itself.

14          33. Answering Paragraph 33, Wachovia denies the allegations thereof.

15          34. Answering Paragraph 34, Wachovia denies the allegations thereof.

16          35. Answering Paragraph 35, Wachovia denies the allegations thereof.

17          36. Answering Paragraph 36, Wachovia denies the allegations thereof.

18          37. Answering Paragraph 37, Wachovia denies the allegations thereof.

19          38. Answering Paragraph 38, Wachovia denies the allegations thereof.

20          39. Answering Paragraph 39, Wachovia admits the allegations thereof.

21          40. Answering Paragraph 40, Wachovia denies the allegations thereof.

22          41. Answering Paragraph 41, Wachovia denies the allegations thereof.

23          42. Answering Paragraph 42, Wachovia denies the allegations thereof.

24          43. Answering Paragraph 43, Wachovia denies the allegations thereof.

25          44. Answering Paragraph 44, Wachovia denies the allegations thereof.

26          45. Answering Paragraph 45, Wachovia denies the allegations thereof.

27          46. Answering Paragraph 46, Wachovia denies the allegations thereof.

28          47. Answering Paragraph 47, Wachovia denies the allegations thereof.

- 1 48. Answering Paragraph 48, Wachovia denies the allegations thereof.
- 2 49. Answering Paragraph 49, Wachovia denies the allegations thereof.
- 3 50. Answering Paragraph 50, Wachovia denies the allegations thereof.
- 4 51. Answering Paragraph 51, Wachovia denies the allegations thereof.
- 5 52. Answering Paragraph 52, Wachovia denies the allegations thereof.
- 6 53. Answering Paragraph 53, Wachovia denies the allegations thereof.
- 7 54. Answering Paragraph 54, Wachovia denies the allegations thereof.
- 8 55. Answering Paragraph 55, Wachovia denies the allegations thereof.
- 9 56. Answering Paragraph 56, Wachovia denies the allegations thereof.
- 10 57. Answering Paragraph 57, Wachovia denies the allegations thereof.
- 11 58. Answering Paragraph 58, Wachovia denies the allegations thereof.
- 12 59. Answering Paragraph 59, Wachovia denies the allegations thereof.
- 13 60. Answering Paragraph 60, Wachovia denies the allegations thereof.
- 14 61. Answering Paragraph 61, Wachovia denies the allegations thereof.
- 15 62. Answering Paragraph 62, Wachovia admits the subject documents were duly  
16 executed but denies that they were "on behalf of" Wachovia.
- 17 63. Answering Paragraph 63, Wachovia denies the allegations thereof.
- 18 64. Answering Paragraph 64, Wachovia denies the allegations thereof.
- 19 65. Answering Paragraph 65, Wachovia denies the allegations thereof.
- 20 66. Answering Paragraph 66, Wachovia admits the allegations thereof.
- 21 67. Answering Paragraph 67, Wachovia denies the allegations thereof.
- 22 68. Answering Paragraph 68, Wachovia denies the allegations thereof.
- 23 69. Answering Paragraph 69, Wachovia denies the allegations thereof.
- 24 70. Answering Paragraph 70, Wachovia denies the allegations thereof.
- 25 71. Answering Paragraph 71, Wachovia denies the allegations thereof.
- 26 72. Answering Paragraph 72, Wachovia denies the allegations thereof.
- 27 73. Answering Paragraph 73, Wachovia denies the allegations thereof.
- 28 74. Answering Paragraph 74, Wachovia denies the allegations thereof.

1 75. Answering Paragraph 75, Wachovia denies the allegations thereof.  
2 76. Answering Paragraph 76, Wachovia denies the allegations thereof.  
3 77. Answering Paragraph 77, Wachovia denies the allegations thereof.  
4 78. Answering Paragraph 78, Wachovia denies the allegations thereof.  
5 79. Answering Paragraph 79, Wachovia denies the allegations thereof.  
6 80. Answering Paragraph 80, Wachovia denies the allegations thereof.  
7 81. Answering Paragraph 81, Wachovia denies the allegations thereof.  
8 82. Answering Paragraph 82, Wachovia denies the allegations thereof.  
9 83. Answering Paragraph 83, Wachovia denies the allegations thereof.  
10 84. Answering Paragraph 84, Wachovia denies the allegations thereof.  
11 85. Answering Paragraph 85, Wachovia denies the allegations thereof.  
12 86. Answering Paragraph 86, Wachovia denies the allegations thereof.  
13 87. Answering Paragraph 87, Wachovia denies the allegations thereof.  
14 88. Answering Paragraph 88, Wachovia denies the allegations thereof.  
15 89. Answering Paragraph 89, Wachovia denies the allegations thereof.  
16 90. Answering Paragraph 90, Wachovia denies the allegations thereof.  
17 91. Answering Paragraph 91, Wachovia denies the allegations thereof.  
18 92. Answering Paragraph 92, Wachovia denies the allegations thereof.  
19 93. Answering Paragraph 93, Wachovia denies the allegations thereof.  
20 94. Answering Paragraph 94, Wachovia denies the allegations thereof.  
21 95. Answering Paragraph 95. Wachovia repeats its responses to Paragraphs 1-94.  
22 96. Answering Paragraph 96, Wachovia denies the allegations thereof.  
23 97. Answering Paragraph 97, Wachovia denies the allegations thereof.  
24 98. Answering Paragraph 98, Wachovia denies the allegations thereof.  
25 99. Answering Paragraph 99, Wachovia denies the allegations thereof.  
26 100. Answering Paragraph 100, Wachovia denies the allegations thereof.  
27 101. Answering Paragraph 101, Wachovia denies the allegations thereof.  
28 102. Answering Paragraph 102, Wachovia denies the allegations thereof.

- 1 103. Answering Paragraph 103, Wachovia denies the allegations thereof.
- 2 104. Answering Paragraph 104, Wachovia denies the allegations thereof.
- 3 105. Answering Paragraph 105, Wachovia denies the allegations thereof.
- 4 106. Answering Paragraph 106, Wachovia denies the allegations thereof.
- 5 107. Answering Paragraph 107, Wachovia denies the allegations thereof.
- 6 108. Answering Paragraph 108, Wachovia denies the allegations thereof.
- 7 109. Answering Paragraph 109, Wachovia denies the allegations thereof.
- 8 110. Answering Paragraph 110, Wachovia denies the allegations thereof.
- 9 111. Answering Paragraph 111, Wachovia denies the allegations thereof.
- 10 112. Answering Paragraph 112, Wachovia denies the allegations thereof.
- 11 113. Answering Paragraph 113, Wachovia denies the allegations thereof.
- 12 114. Answering Paragraph 114, Wachovia denies the allegations thereof.
- 13 115. Answering Paragraph 115, Wachovia denies the allegations thereof.
- 14 116. Answering Paragraph 116, Wachovia denies the allegations thereof.
- 15 117. Answering Paragraph 117, Wachovia denies the allegations thereof.
- 16 118. Answering Paragraph 118, Wachovia denies the allegations thereof.
- 17 119. Answering Paragraph 119, Wachovia denies the allegations thereof.
- 18 120. Answering Paragraph 120, Wachovia denies the allegations thereof.
- 19 121. Answering Paragraph 121, Wachovia denies the allegations thereof.
- 20 122. Answering Paragraph 122, Wachovia denies the allegations thereof.
- 21 123. Answering Paragraph 123, Wachovia denies the allegations thereof.
- 22 124. Answering Paragraph 124, Wachovia denies the allegations thereof.
- 23 125. Answering Paragraph 125, Wachovia repeats its responses to Paragraphs 1-124.
- 24 126. Answering Paragraph 126, Wachovia denies the allegations thereof.
- 25 127. Answering Paragraph 127, Wachovia denies the allegations thereof.
- 26 128. Answering Paragraph 128, Wachovia denies the allegations thereof.
- 27 129. Answering Paragraph 129, Wachovia denies the allegations thereof.
- 28 130. Answering Paragraph 130, Wachovia repeats its responses to Paragraphs 1-129.



1 131. Answering Paragraph 131, Wachovia denies the allegations thereof.

2 132. Answering Paragraph 132, Wachovia denies the allegations thereof.

3 133. Answering Paragraph 133, Wachovia denies the allegations thereof.

4 134. Answering Paragraph 134, Wachovia denies the allegations thereof.

5 135. Answering Paragraph 135, Wachovia denies the allegations thereof.

6 136. Answering Paragraph 136, Wachovia denies the allegations thereof, and further  
7 specifically denies that plaintiff is entitled to damages in the sum or sums alleged, or any sum,  
8 or at all.

9 137. Answering Paragraph 137, Wachovia denies the allegations thereof, and further  
10 specifically denies that plaintiff is entitled to punitive damages in the sum or sums alleged, or  
11 any sum, or at all.

12 138. Answering Paragraph 138, Wachovia repeats its responses to Paragraphs 1-137.

13 139. Answering Paragraph 139, Wachovia denies the allegations thereof.

14 140. Answering Paragraph 140, Wachovia admits that it now owns the subject  
15 property.

16 141. Answering Paragraph 141, Wachovia denies the allegations thereof.

17 142. Answering the (second) Paragraph 118, Wachovia repeats its responses to  
18 Paragraphs 1-141.

19 143. Answering the (second) Paragraph 119, Wachovia denies the allegations thereof.

20 144. Answering the (second) Paragraph 120, Wachovia denies the allegations thereof.

21 145. Answering the (second) Paragraph 121, Wachovia denies the allegations thereof.

22 FIRST AFFIRMATIVE DEFENSE

23 146. Insofar as it alleges a violation of state law, the First Cause of Action of the  
24 Complaint is preempted as against Wachovia by virtue of 12 U.S.C. §1464 and its  
25 implementing regulations, including, without limitation, Part 12 C.F.R. §560.2, as an  
26 interference with the lending operations of a federal savings association (which Wachovia was  
27 at the time of the subject loans in 2006).

28

1                                    SECOND AFFIRMATIVE DEFENSE

2            147.    Insofar as it alleges a violation of state law, the Second Cause of Action of the  
3 Complaint is preempted as against Wachovia by virtue of 12 U.S.C. §1464 and its  
4 implementing regulations, including, without limitation, Part 12 C.F.R. §560.2, as an  
5 interference with the lending operations of a federal savings association (which Wachovia was  
6 at the time of the subject loans in 2006).

7                                    THIRD AFFIRMATIVE DEFENSE

8            148.    Insofar as it alleges a violation of state law, the Third Cause of Action of the  
9 Complaint is preempted as against Wachovia by virtue of 12 U.S.C. §1464 and its  
10 implementing regulations, including, without limitation, Part 12 C.F.R. §560.2, as an  
11 interference with the lending operations of a federal savings association (which Wachovia was  
12 at the time of the subject loans in 2006).

13                                  FOURTH AFFIRMATIVE DEFENSE

14            149.    Insofar as it alleges a violation of state law, the Fourth Cause of Action of the  
15 Complaint is preempted as against Wachovia by virtue of 12 U.S.C. §1464 and its  
16 implementing regulations, including, without limitation, Part 12 C.F.R. §560.2, as an  
17 interference with the lending operations of a federal savings association (which Wachovia was  
18 at the time of the subject loans in 2006).

19                                  FIFTH AFFIRMATIVE DEFENSE

20            150.    The Complaint, and each purported cause of action therein, is barred by the  
21 doctrine of unclean hands.

22                                  SIXTH AFFIRMATIVE DEFENSE

23            151.    The Complaint, and each purported cause of action therein, is barred by the  
24 doctrine of estoppel.

25                                  SEVENTH AFFIRMATIVE DEFENSE

26            152.    The Complaint, and each purported cause of action therein, is barred by the  
27 doctrine of waiver.  
28



EIGHTH AFFIRMATIVE DEFENSE

153. The Complaint, and each purported cause of action therein, is barred by the doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

154. The Complaint, and each purported cause of action therein, is barred by the applicable statutes of limitation.

PRAYER

WHEREFORE, Wachovia prays for entry of judgment as follows:

1. That plaintiff take nothing by way of the Complaint;
2. That the Complaint be dismissed with prejudice;
3. For reasonable attorneys fees to the extent permitted by law and by the promissory notes and deeds of trust in question;
4. For costs of suit; and,
5. For such other and further relief as the Court may deem proper and/or just.

Dated: May 24, 2010

ANGLIN, FLEWELLING, RASMUSSEN,  
CAMPBELL & TRYTTEN LLP

By: /s/ Christopher A. Carr  
Christopher A. Carr  
ccarr@afrc.com  
Attorneys for Defendant WACHOVIA  
MORTGAGE, a division of Wells Fargo  
Bank, N.A.

[illegible]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101-2459.

Tanya D. Dennis  
2027 Woolsey Street  
Berkeley, CA 94703

- [X] BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence by mailing. Under that same practice it would be deposited with U.S. Postal Service on that same day with postage fully prepaid at Pasadena, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- [X] FEDERAL:** I declare that I am employed in the offices of a member of this Court at whose direction the service was made.

Executed on May 24, 2010, at Pasadena, California.

Nancy Peters  
(Signature of Declarant)